

**Introduced by Senator Battin**February 8, 2006

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An act to amend Section 68665 of the Government Code, and Section 1508 of the Penal Code, relating to criminal procedure.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1257, as introduced, Battin. Criminal procedure: writs.

Existing law requires the Judicial Council and the Supreme Court to adopt competency standards for the appointment of counsel in death penalty direct appeals and habeas corpus proceedings.

This bill would make technical, nonsubstantive changes to that provision.

Existing law allows a writ of habeas corpus to be made returnable to various courts, as specified.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 68665 of the Government Code is
- 2 amended to read:
- 3 68665. The Judicial Council and the Supreme Court shall
- 4 adopt, by rule of court, binding and mandatory competency
- 5 standards for the appointment of counsel in death penalty direct
- 6 appeals and *writ of* habeas corpus proceedings.
- 7 SEC. 2. Section 1508 of the Penal Code is amended to read:
- 8 1508. (a) A writ of habeas corpus issued by the Supreme
- 9 Court or a judge thereof may be made returnable before the

1 issuing judge or his *or her* court, before any court of appeal or  
2 judge thereof, or before any superior court or judge thereof.

3 (b) A writ of habeas corpus issued by a court of appeal or a  
4 judge thereof may be made returnable before the issuing judge or  
5 his *or her* court or before any superior court or judge thereof  
6 located in that appellate district.

7 (c) A writ of habeas corpus issued by a superior court or a  
8 judge thereof may be made returnable before the issuing judge or  
9 his *or her* court.